

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**NEW YORK STATE RESTAURANT
ASSOCIATION,**

Plaintiff,

- against -

**NEW YORK CITY BOARD OF HEALTH,
NEW YORK CITY DEPARTMENT OF HEALTH
AND MENTAL HYGIENE, and Thomas R. Frieden,
In His Official Capacity as Commissioner
of the New York City Department of Health
and Mental Hygiene,**

Defendants.

No. 2007 Civ. 5710 (RJH)

**PLAINTIFF'S LOCAL
RULE 56.1 STATEMENT**

1. The New York State Restaurant Association ("NYSRA") is a not-for-profit business association with over 7,000 members, nearly 1,000 of which are located in New York City.

2. Defendants have taken the position that certain of NYSRA's New York members both serve food in portions the size and content of which are standardized and have made calorie content information publicly available on or after March 1, 2007.

Dated: July 18, 2007
New York, New York

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CERTIFICATE OF SERVICE

I, Anthony D. Boccanfuso, the undersigned attorney at law duly admitted to practice in the State of New York, respectfully show that on the 18th day of July 2007, the annexed **PLAINTIFF'S LOCAL RULE 56.1 STATEMENT** was served by hand upon:

Mark W. Muschenheim
Assistant Corporation Counsel
Corporation Counsel of the City of New York
100 Church Street
New York, New York 10007



Anthony D. Boccanfuso